

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

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Communications Assistance for
Law Enforcement Act

CC Docket 97-213

To: The Commission

Comments of the Rural Cellular Association

The Rural Cellular Association ("RCA"),¹ by its attorneys and pursuant to the Commission's invitation to submit comments on the CTIA Petition to Suspend Compliance Date (the "Petition"),² hereby submits its comments in support of the Petition and requests that the Commission suspend immediately the September 30, 2001 compliance date for implementation of certain additional Communications Assistance for Law Enforcement Act ("CALEA") capability requirements pending finalization related Commission proceedings. Wireless carriers, particularly RCA members who are small carriers serving rural and small metropolitan markets, and their subscribers alike are unnecessarily burdened by regulatory uncertainty and piece-meal compliance requirements. Accordingly, the public interest would be served by suspension of additional CALEA implementation deadlines until the details of all remaining obligations are

¹ RCA is an association representing the interests of small and rural wireless licensees providing commercial services to subscribers throughout the nation. Its member companies provide service in more than 100 rural and small metropolitan markets where approximately 13 million people reside. Formed in 1993 to address the distinctive issues facing rural cellular service providers, the membership of RCA currently includes rural PCS carriers, as well.

² "Comment Invited on CTIA Petition to Suspend CALEA Compliance Date," DA 00-2022 (rel. September 1, 2000).

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established.

As CTIA notes, the United States Court of Appeals for the District of Columbia's decision and the FCC's silence as to whether it will challenge the decision have created enormous uncertainty in the industry as to how to proceed with implementing certain additional CALEA capability requirements. If the industry proceeds with the complex task of separating the software and hardware solutions for the four vacated features from the two remaining capabilities, it may find that it has exerted a great amount of needless energy and expense if the FCC makes a successful court challenge. Alternatively, if the industry proceeds in its development of all six features, the industry runs the risk that it will have to subsequently modify its solution.

CTIA also notes that uncertainties surround the packet mode communications capability. The soon-to-be-released report of the Joint Experts Meeting ("JEM") of the Telecommunications Industry Association apparently supports the conclusion that for certain packet mode communications, identifying information can be separated from packet content prior to delivery to a law enforcement agency on a pen register order. Additionally, the report may suggest further steps that can be taken to protect privacy. According to CTIA, the release of such findings will likely lead to petitions to change the compliance date so that appropriate adjustments in packet mode communications can be made.

For the FCC to retain its current deadline of September 30, 2001 for the implementation of these additional CALEA capability requirements and not wait until the uncertainties are resolved will only lead to inefficiencies and piece-meal implementation. Piece-meal implementation would place additional burdens on carriers as they would have to make available technical personnel and facilities at several intervals rather than at one time to implement software and

hardware upgrades. The additional costs that accompany such inefficiencies would strain severely the limited technical and financial resources of rural and small carriers. Accordingly, it is in the public interest to suspend the September 30, 2001 compliance date pending completion of proceedings in this docket and receipt and evaluation of the JEM report.

Respectfully submitted,

RURAL CELLULAR ASSOCIATION

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September 15, 2000

CERTIFICATE OF SERVICE

I, Nancy Wilbourn, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Comments of the Rural Cellular Association" was served on this 15th day of September 2000, by first class, U.S. mail, postage prepaid to the following parties:


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